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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,510	07/29/2003	Senthil Govindaswamy	000172	7894

23696 7590 04/28/2010
QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

EXAMINER

DANG, DUY M

ART UNIT	PAPER NUMBER
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2624

NOTIFICATION DATE	DELIVERY MODE
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04/28/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/630,510	Applicant(s) GOVINDASWAMY ET AL.	
	Examiner Duy M. Dang	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE filed 10/20/09.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 25, 26, 28, 29 and 31-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 4-12, 31 and 34 is/are allowed.
- 6) ☒ Claim(s) 2, 3, 25, 26, 28, 29, 32 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/20/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on 10/02/2009 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-3, 26 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the digital information" in line 3. There is insufficient antecedent basis for this limitation in the claim. Is it referred to "digital image information" recited in lines 2-3 of its parent claim 1? If so, please clarify.

Claim 3 depends from claim 2 and thus is rejected for the same reasons as well.

Claim 26 recites the limitation "the set of parameters" in line 2. There is insufficient antecedent basis for this limitation in the claim. Is it referred to "a final set of parameters" recited in line 3 of its parent claim 25? If so, please clarify.

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Claim 29 recites the limitation "the digital information" in line 3. There is insufficient antecedent basis for this limitation in the claim. Is it referred to "digital image information" recited in line 1 of its parent claim 28? If so, please clarify.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 25-26, 28-29 and 32-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claim 25, it is directed to "An apparatus...information" comprising "means for outputting...coding" and "means for compressing...information". In light of the specification as broadest reasonable interpretation, claimed "means for outputting" and "means for compressing" are covered by parameter generator 205 and image compressor 205 respectively and generator 205 and compressor 205 are defined as software (Specification, page 8 paragraph [0036] and page 10 paragraph [0043]). So, the scope of the claim is directed to software or computer program, not a traditional "apparatus" type claim and software or computer program is not statutory subject matter as set forth in 35 U.S.C 101.

Dependent claim 26 is also directed to "means for outputting" as recited in its parent claim 25 and thus is rejected for the same reasons.

Dependent claim 32 is also directed to "means for compressing" as recited in its parent claim 25 and thus is rejected for the same reasons.

Regarding claim 28, it is directed to "An apparatus...information" comprising "a parameter generator...coding" and "an image compressor...information". In light of the

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specification as broadest reasonable interpretation, claimed “generator” and “image compressor” are covered by parameter generator 205 and image compressor 205 respectively and generator 205 and compressor 205 are defined as software (Specification, page 8 paragraph [0036] and page 10 paragraph [0043]). So, the scope of the claim is directed to software or computer program, not a traditional “apparatus” type claim and software or computer program is not statutory subject matter as set forth in 35 U.S.C 101.

Dependent claim 29 is also directed to "parameter generator" as recited in its parent claim 28 and thus is rejected for the same reasons.

Dependent claim 33 is also directed to "image compressor" as recited in its parent claim 28 and thus is rejected for the same reasons.

Allowable Subject Matter

6. Claims 1, 4-12, 31 and 34 are allowed.
7. Claims 2-3 would be allowable if rewritten in proper form to overcome the 112(2) rejected above.
8. The following is an examiner’s statement of reasons for allowance:

Reference to paragraph 8 of the Notice of Allowability mailed on 7/20/2009 as to the reasons for allowance of claims 1, 4-12, 31 and 34.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M. Dang whose telephone number is 571-272-7389. The examiner can normally be reached on Monday to Friday from 6:00AM to 2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew C. Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dmd
4/2010

/Duy M Dang/
Primary Examiner, Art Unit 2624